

## **REMARKS**

In connection with the filing of a request for continued examination (“RCE”), the above amended claims and following remarks are submitted in response to the Final Office Action dated August 23, 2007. Claims 1, 3, 4, and 8 are amended. Accordingly, claims 1-8 are pending in the application.

### **I. Objections to the Claims**

Claim 8 is objected to for informalities (see item 3 on page 2 of the Final Office Action).

In regard to the objection to claim 8, this claim is amended to replace the phrase “machine readable storage medium” to state “machine usable medium” to comply with the Examiner’s request. In light of the amendment, reconsideration and withdrawal of the objection to claim 8 are respectfully requested.

### **II. Claims Rejected Under 35 U.S.C. § 101**

Claims 1-8 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter (see item 2 on page 2, pages 3 and 4 of the Final Office Action).

Independent claims 1 and 4 are amended to recite the elements of “a pitch estimation unit for producing a synthesized speech signal” and “estimating a pitch between the candidate for a pitch and the lag having the estimated maximum autocorrelation function *for producing a synthesized speech signal*,” (emphasis added) respectively. In light of the amendment, the Applicants respectfully submit that these claims are directed to a practical application that produces a useful, concrete, and tangible result. Therefore, claims 1 and 4 are directed toward statutory subject matter for at least the foregoing reasons. Accordingly, the Applicants respectfully request reconsideration and withdrawal of the § 101 rejection of claims 1 and 4.

In regard to dependent claims 2, 3, and 5-8, each of these claims depends from either claims 1 or 4 and incorporates the limitations thereof. Therefore, for at least the reasons discussed in connection with claims 1 and 4, these claims are directed to statutory subject matter because they were rejected solely because of their dependencies on claims 1 and 4. Accordingly,

the Applicants respectfully request reconsideration and withdrawal of the § 101 rejection of claims 2, 3, and 5-8.

### **III. Claims Rejected Under 35 U.S.C. § 102**

Claims 1, 2, 4, 5, and 7 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,804,639 issued to Ehara (hereinafter "Ehara") in view of U.S. Patent No. 6,594,626 issued to Suzuki, et al. (hereinafter "Suzuki") (see page 4 of the Final Office Action). To establish an anticipation rejection the Examiner must show that the cited reference teaches each element of a claim.

Claim 1, as amended, recites the elements of "the pitch estimation unit estimates a lag that is nearest to the pitch of the previous frame between a lag that is smaller than the predetermined threshold and the lag having the maximum autocorrelation function." The amendment includes some of the limitations recited in claim 3, which the Examiner has allowed (see page 6 of the Final Office Action). The prior art fails to teach these elements. Instead, Ehara discloses that the device selects only pitch lags that provide the normalized autocorrelation functions *exceeding the threshold* and selects the pitch simply using a closed loop pitch search. See Ehara, column 12, lines 35-48; column 18, line 63 - column 19, line 5. Moreover, although Suzuki discloses that the pulsed signal output of the algebraic codebook may be selected when the value of the lag is less than the threshold value, Suzuki fails to teach that the lag is estimated in the manner recited in the claim. See Suzuki, column 16, lines 27-34. As a result, Ehara in view of Suzuki fails to teach the elements of "the pitch estimation unit estimates a lag that is nearest to the pitch of the previous frame between a lag that is smaller than the predetermined threshold and the lag having the maximum autocorrelation function," as recited in claim 1. Therefore, in view of the foregoing reasons, Ehara in view of Suzuki fails to teach each element of claim 1. In addition, claim 2 is patentable over Ehara in view of Suzuki because of its dependency on claim 1. Accordingly, reconsideration and withdrawal of the rejection of claims 1 and 2 are respectfully requested.

In regard to claim 4, this claim recites analogous limitations to those in claim 1. Therefore, for at least the reasons mentioned in connection with claim 1, Ehara in view of Suzuki fails to teach each element of claim 4. Moreover, dependent claims 5 and 7 are patentable over

Ehara in view of Suzuki because of their dependencies on claim 4. Accordingly, reconsideration and withdrawal of the rejection of claims 4, 5, and 7 are respectfully requested.

**IV. Allowable Subject Matter**

The Applicants note with appreciation that claims 3 and 6 are allowed. Claims 3 and 6 depend on base claims 1 and 4, respectively. Therefore, for at least the reasons discussed above, claims 1 and 4 are patentable over Ehara in view of Suzuki. Thus, because claims 3 and 6 depend on patentable base claims 1 and 4, the Applicants believe claims 3 and 6 are in condition for allowance without rewriting them in independent form. Accordingly, the claims, as they now stand, are in condition for allowance and such action is earnestly solicited.



**CONCLUSION**

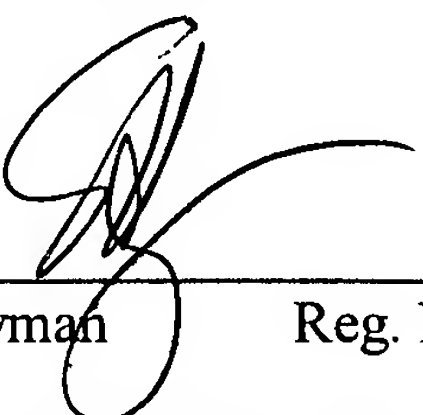
In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207 3800.

Respectfully submitted,

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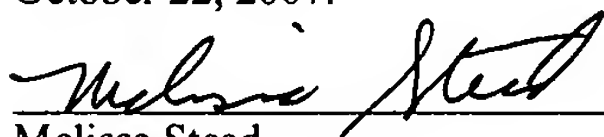
Dated: 10/22, 2007

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**CERTIFICATE OF MAILING:**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 22, 2007.

  
Melissa Stead 10-22-07  
October 22, 2007